

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.14950 of 1998

12.6.2007

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Between

Gangaram and another

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..Petitioners

AND

The Superintending Engineer (Operation), Andhra Pradesh State Electricity Board, Nizamabad and others

..Respondents

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:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.14950 of 1998

The two writ petitioners whose names have been sponsored by the District Employment Officer, Nizamabad were amongst several candidates who have been selected for appointment as Helpers in the service of former A.P. State Electricity Board. The two writ petitioners are amongst six persons who came to be allotted to the Unit of the Divisional Electrical Engineer at Dichpalli whereas 74 candidates who were selected along with them came to be allocated to the Operation Division at Nizamabad, 45 candidates to the Operation Division at Armoor and another 45 candidates to the Operation Division at Kamareddy and 8 candidates to the Divisional Electrical Engineer, M.R.T., Nizamabad. The writ petitioners have pointed out that the Divisional Engineer, E.H.T., 220 KV Sub Station, Dichpalli is not an independent unit of appointment and therefore, they solicited that they be treated as part of the Unit of the Divisional Engineer (Electrical), Operation Division at Nizamabad. The matter appears to have been considered by the Superintending Engineer, Operation, Nizamabad who passed orders through Memo No.CO/Adm/C2/F.732/97-3 dated 28.8.1997 to the following effect:

“Pursuant to the D.E.’s letter cited under reference in this office Memo No.CO/Adm/C2/F.No.732/97-2, dtd.24.6.1997, he was informed that the lien and seniority

of Junior Lineman/S.W.G., of 220 KV Sub Station/Dichpally who were transferred to administrative control of Superintending Engineer/TL&SS, Nizamabad consequent on its formation in B.P.(P&Oper) Ms.No.171, dtd. 10.10.95 shall be maintained in their parent division and kept below the existing Junior Lineman of that division from the date of their transfer.

2. After careful examination of the issue, it is further ordered that the period of the Junior Lineman/S.W.G. of 220 KV Sub Station, Dichpally who were transferred to the administrative control of Superintending Engineer/TL&SS/Nizamabad shall be taken into account from the date of their appointment in the division instead of from the date of their transfer to the Office of the S.E./TL&SS/ Nizamabad.

3. In view of the above, the Divisional Engineer, Electrical / Operation/ Nizamabad is further requested to follow the above procedure without detrimental to the roster system of community in respect of (8) Junior Linemen who were filled up in backlog vacant posts by this office in January, 1996”.

It is thus clear that the seniority of those individuals who were allocated to the 220 KV Sub Station at Dichpalli and who were subjected to transfer to the administrative control of the Superintending Engineer, TL & SS, Nizamabad shall reckon their seniority from their initial date of appointment at Dichpalli instead of from the date of their transfer to the office of Superintending Engineer at Nizamabad. Therefore, the Divisional Engineer, Electrical Operation, Nizamabad was directed to take the necessary follow up action.

The grievance entertained by the writ petitioners is that inspite of the orders passed by the Superintending Engineer, Operations, Nizamabad of A.P.S.E.B., his subordinate Agency viz., the Divisional Engineer, Electrical Operation, Nizamabad

has not carried out the said directions and that their names have not been reflected at appropriate places in the seniority list for the relevant category to be maintained in his unit, based upon their dates of initial appointment to 220 KV Sub Station at Dichpalli.

Though the respondents have been served, they have not filed any counter affidavit in the matter nor are they contesting this writ petition inspite of repeatedly adjourning the same.

In these set of circumstances, I consider it appropriate to direct the second respondent – Divisional Engineer, Operation, Nizamabad to carry out the directions issued by the Superintending Engineer, Operation, Nizamabad in his memo dated 28.8.1997 referred to supra by maintaining the seniority of those who have been transferred from 220 KV Sub Station, Dichpalli on administrative grounds to the unit of Superintending Engineer, TL & SS, Nizamabad duly reckoning the same with reference to their date of regular appointment, but not based upon their dates of transfer. It is fairly a settled principle of law that when once an employee is transferred on administrative grounds from one unit to another unit, he carries the weight of the entire length of service for the purposes of seniority and consideration of his case for further promotion. Whereas in case of transfers from one unit to another at the request of the employees, the credit for the entire length of service is robbed off them and such transferred employees will have to reckon their seniority in the newly transferred unit only from the date of their transfer. This is the incidence of a request transfer. This is the essential difference between transfers effected on administrative grounds and transfers solicited and

secured at the request of the employee concerned. Whenever there are transfers on administrative grounds from one unit to another, such transfers are effected in the interest of the organization or in the interest of the larger public body. Therefore, the employee concerned cannot be put to any loss or disadvantage.

I therefore direct the second respondent – Divisional Engineer to carry out the directions issued by the Superintending Engineer by preparing and incorporating the names of the writ petitioners if they are transferred on administrative grounds from 220 KV Sub Station, Dichpalli to the Operation Circle at Nizamabad, based upon their initial date of regular appointment, but not with reference to their transfer and accordingly, their cases are also liable to be considered for the purpose of promotion to the next higher category along with others who fall within the zone of consideration. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

With these directions, the writ petition stands disposed of.
No costs.

NOOTY RAMAMOHANA RAO.J.

12.6.2007
psr

